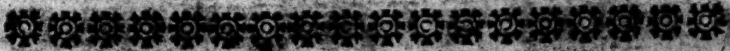


OBSERVATIONS *arising*
from the DECLARATION
of WAR, &c.

(Price One Shilling.)



OBSTETRIC

OF THE

(1845)

221 M. 1. 24, 1720

OBSERVATIONS

Arising from the

Declaration of WAR against
SPAIN,

AND THE

FUTURE MANAGEMENT
of it on the Part of **GREAT**
BRITAIN:

WITH

Some **CONSIDERATIONS** on the
CONSISTENCY of the M——y
and their Arguments.

In a **LETTER** to —————

*Tanquam majus ullum Populo Bellum sit quam
cum iis qui Legum ferendarum Causa creati nihil JURIS
in Civitate relinquent.* **LIVY.**

L O N D O N:

Printed by and for **T. GARDNER**, at *Cowley's*
Head without *Temple-Bar*, 1739.

OBSERVATIONS

Arising from the

Declaration of War against
SPAIN

AND THE

FUTURE MANAGEMENT
of it on the Part of GREAT
BRITAIN:

WITH

SOME CONSIDERATIONS on the
Consistency of the Measures
and their Arguments.

In a Letter to

L O N D O N
Printed by and for T. GARDNER, at Clarendon
Hall, without Temple-Bar, 1739.

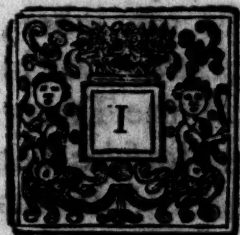


OBSERVATIONS

RELATING TO THE

Declaration of WAR, &c.

S I R,



F any Credit is to be given to common Fame, you have lately been an *unconcern'd Spectator* of Transactions arising from a Conduct of which you was the *principal Adviser*. Therefore a Writer on this Subject who chuses you for a Patron, may in one Sense be said to address himself to an *indifferent Person*. What the Causes of your Conduct in this Particular may be, is not my Business to enquire into. I am far
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from suspecting that they are not founded on Prudence. The following Pages will contain the Reasons why I think they are; and the Event I hope will shew that Providence thro' all her secret Workings, still reserves to every Man his just Reward.

Before I enter, Sir, into any particular Disquisitions of our Conduct toward *Spain*, I must take the Liberty to observe, that few Differences have arisen betwixt two Courts, in which the Ministry of the one have had greater Advantages to support them, than our Ministers have had in the Differences of the Nation with the Court of *Spain*. In the preceding Part of your Ministry, during the long intricate and amazing Tract of Negotiation you went thro', every indirect Step that was taken, every Inconsistency that appear'd, was in order to rectify some Defect of the Treaty of *Utrecht*. Did the Nation forsake her ancient and her natural Friends? It was owing to that fatal Treaty. Did we conclude unnatural Alliances? That accurs'd Treaty was to blame. In short, no Event could happen, no Blunder could be committed that was not owing to that shameful Treaty. The vast and unavailing Subsidies paid by the Nation, the Treasures squander'd in idle Parade and sham Expeditions,

ditions, were all owing to the same Cause.

I am not at all insensible, Sir, that a succeeding Ministry may be so embarrass'd by the Blunders of their Predecessors, that they may be oblig'd to follow Measures evidently against the general Interest of the Nation, and, were it not for the Necessity from which they arise, disapprov'd of by themselves. This, whether it was your Case or not, was however for a long Time a useful Pretence to you and your Friends; it serv'd at least to keep you and them in Countenance; and the strong Prejudice that lies with one Party against that Treaty, was the Reason perhaps, why that Excuse, wretched as it was, obtain'd with some. But give me Leave to observe, Sir, that our late Negotiations with *Spain* can have no Relation to that Treaty; they can have no Relation to any preceding Negotiation; they were begun, continu'd and ended during one Administration. If, Sir, they have been conducted in a Manner that has been honourable and advantageous to the Nation, the Praise must redound to that Administration, and after Ages will acquit them of that heavy Charge which the present Age has brought against their Conduct. But if on the other Hand, Sir, the Honour of the Nation

tion has been given up thro' the Cowardice, if her Interests have been betray'd thro' the Ignorance, or her Commerce barter'd away by the Corruption of any one Set of Men amongst ourselves; no Art of Power can divert the Punishment that attends them in this Age, and no Art of Corruption can bribe off the Infamy that attends them in the next.

The Treaties that regulate the *British* Commerce in *America*, are so full and express that they cannot admit of any Meaning but one. The *Spaniards* themselves seem to be so sensible of this, that they have never yet pretended to justify the Violences they have committed on the Subjects of *Great Britain*, by producing any Article of these Treaties in their Favour. They never yet have pretended so far as appears to the World, that particular Latitudes are describ'd, in which, if a *British* Ship shall be found sailing, the Confiscation of the Ship and Cargo, and the Imprisonment of the Seamen and Merchants lawfully and necessarily follows. They never pretended to vindicate their Claim of searching our Ships in open Seas, on the Construction of any express Article subsisting betwixt us and them. Even his *Catholic* Majesty's celebrated Mani-

Manifesto, does not insist that the Stipulations contain'd in the Treaties betwixt the Crown of *Britain* and *Spain*, have restricted the *British* Navigation to any particular Bounds on the open Seas, or to any particular Method of Sailing. It insists indeed on an exclusive Right to certain Seas of which they claim the Sovereignty, but these Seas are no where specially describ'd, nor that Sovereignty attempted to be prov'd. Of all the numerous Captures complain'd of, of all the numerous Instances of Oppression made out before the two Houses of Parliament, the *Spaniards* have never yet singled out one Case, the Circumstances of which they have examin'd by the Articles that make a Capture and Confiscation legal.

From these Considerations, Sir, it is natural to ask on what Grounds did the *Spaniards* presume to treat us with so much shocking Inhumanity and Injustice?

A Man who had never set his Foot on *Britain*, nor had any Occasion to observe the general Dispositions of the Nation, would readily answer to this Question; That it seems the People of *Britain*, already oppress'd by Taxes occasion'd by a long and expensive War, and sensible that even Conquest and Triumph itself may be bought too dear,

dear, were cultivating the Arts of Peace, paying off their Debts, improving their Manufactures, extending their Commerce and polishing their Subjects; That on these Accounts they were glad to put up with some temporary Inconveniencies, which they might soon have it in their Power to redress by the great Increase of Power and Wealth which a prudent Forbearance with such Views must soon introduce.

He might add, that in all Probability the Dispositions of the Generality of the People being averse to go to War with their Oppressors, had embarrass'd the Government so much, that it was impracticable for the Ministry to pursue vigorous Measures in order to reduce them to Reason. That the Trade and Interest of *Britain* depends entirely upon their cultivating a good Correspondence with *Spain*; and that a Breach with that Court were unavoidable Ruin to this Kingdom. He might likewise be induc'd to think that it is not in our Power in any Shape to distress our Enemies, and that our very attempting it may be fatal to our own People.

To one, or all of these Inducements, such a Person as I have describ'd might reasonably conclude the long pacific Dispositions of this Court was owing.

But,

But, Sir, what Judgment must such a Person form, if he were told that the Money paid by the Subjects yearly to the Government, if frugally manag'd, is sufficient to carry on a War that might soon raise them to their former Glory, and put them beyond the possibility of being subjected to the like Insults in Time to come. That their Taxes were as high as ever; that their public Credit was daily declining, their Debts encreasing, and the Funds allotted for the Discharge of it exhausted and sunk; That instead of cultivating the Arts of Peace, no *Art* was profitable but that of *Jobbing*, no *Science* successful but that of *Sharping*; That their Manufactures instead of improving, daily declin'd, and the Manufacturers, for want of proper Encouragement, were oblig'd to settle in Nations who well knew how to improve such a Circumstance to their own Advantage. That the Decay of Commerce was visible in every Branch of of it, visible in the frequent Bankruptcies that happen, visible in the Backwardness of People of Substance, to venture their Money in those Channels of Trade that are most natural to this Nation; and visible in the Luxury, the Insolence, and the Pride of those Wretches whom it is Interest of every trading, of every

every wise People to exterminate. That the Morals of the Commonalty are debauch'd, and their Minds infected with Principles destructive of all Industry.

Let us now turn the Tables, Sir, and consider in what Manner it would be natural for another Person, an absolute Stranger to the Affairs of *Europe*, to reason, if he were inform'd that the State I have just now describ'd, was the State of *Britain*.

Would not such a person readily conclude, Sir, that the Liberties, the Honour, and all that was dear and valuable to the Nation, being attack'd and endanger'd by an ambitious powerful Neighbour, we had neglected every domestic Consideration in order to reduce him, and to gain into our own Hands the Ballance of Power. That some of our own Allies were perhaps attack'd, the Preservation of whose Rights was essential to our own, and that the vast Expences which such a War occasion'd both in carrying it on and in supporting our Allies, had exhausted the Finances, and render'd it necessary for the Government to continue our Taxes and encrease our Debts. That the Attention of the Ministry being chiefly fixed on the Success of the War, they had no Leisure, they had no Opportunity to prevent the
bad

bad Consequences with Regard to the Interests and the Morals of the People, which a State of War, always fatal to a trading People, necessarily is attended with.

Here, Sir, let me appeal to yourself, let me appeal to your most sanguine Friends, to every Man who has seen a foreign Court or known any thing of the Affairs of *Europe* for this twenty Years past, if the present State of *Great Britain*, and the Grievances she now lays under, can be accounted for in this Manner. Let me ask you, Sir, if the Reputation of this Kingdom is yet untainted, if its Honour is unwounded, if her Interest has been consulted, if her Alliance has been regarded, or her Resentment dreaded? No, Sir. That it has not, the very Declaration of War which I am now to consider, is a sufficient, is a glaring Evidence. Let me appeal to yourself, Sir, once more, if in enumerating the above Facts any one Circumstance has been aggravated, if it has not, give me Leave to ask you, Sir, in what Manner the yare to be accounted for? We have seen they cannot be accounted for upon Principles of Self-preservation, Honour, or even Conveniency itself. May it not then, Sir, be fairly presum'd, that they are owing to some Principle that has hitherto

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created

created a total Imbecility in the State? In what Manner, Sir, this Principle subsists, you perhaps of all Mankind are the best Judge.

But, Sir, there is no Occasion for Declamation, when Reasoning, founded upon the most undeniable Facts, will draw more strong Conclusions against those Measures that have oblig'd us to declare War under evident Disadvantages, than Eloquence or Wit can suggest. The Heightnings of Language, and the Sallies of Fancy, even Satire itself have but a poor Effect on the Mind, and rather damp than animate it, when compar'd with the Indignation that must arise in every Breast from the bare Representation of Facts as they have stood between *Great Britain* and *Spain* for these twenty Years past.

You, Sir, it must be own'd have acted consistently, you have in a Manner acted prophetically: For in the Year 1718, when the King had order'd the House of Commons to be acquainted, That all his
 “ Majesty’s Endeavours to procure Redress
 “ of the many Injuries done to the Subjects
 “ of *Great Britain* by the King of *Spain*,
 “ to the unspeakable Deriment of the
 “ Trade of these Kingdoms; or even to obtain a Discontinuance of the unjust Hosti-
 “ lities

" lities carrying on by that Crown having
 " prov'd ineffectual, his Majesty had found
 " it necessary to declare War against *Spain*.
 After this Message was read, it was mov'd,
 " That an humble Address be presented
 " to his Majesty, to return his Majesty
 " our most unfeigned Thanks for his hav-
 " ing committed to this House the neces-
 " sary Resolution of declaring War a-
 " gainst *Spain*, and to assure his Majesty,
 " that this House will, with the greatest
 " Chearfulness, and with the utmost Vi-
 " gour, assist and support his Majesty in
 " the War with the King of *Spain*, till
 " *Spain* is reduc'd to accept of reasonable
 " Terms of Peace, and to agree to such
 " Conditions of Trade and Commerce, as
 " this Nation is justly intitled to by their
 " several Treaties." This Motion gave
 rise to a very warm Debate, in which Mr.
W—— display'd the utmost Force of
 his Wit and Eloquence against those vigo-
 rous Measures pursu'd by the Government,
 which have since appear'd to be so just
 and necessary; he declar'd, that the at-
 tacking the *Spanish* Fleet before the De-
 claration of War, was a horrid Piece of
 Injustice, as was the Whole of our Dif-
 ferences with *Spain*. We likewise find
 the same Mr. *W*—— a strenuous Op-
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poser of the Words *entire Satisfaction* in those Measures which his Majesty had already taken, standing in the Address of the Commons at the opening of the Session. He particularly said, " That it was against
 " the common Rules of Prudence, and the
 " Methods of proceeding in that House, to
 " approve a Thing before they knew what
 " it was, that he was thoroughly convinc'd
 " of, and as ready as any Person in that Assembly to acknowledge, his Majesty's great
 " Care for the general Peace of *Europe*, and
 " the Interest of *Great Britain*: But that
 " the giving a Sanction in the Manner propos'd to the late Measures, could have no
 " other View than to *skreen* Ministers who
 " were conscious of having done something
 " amiss, and, who having " begun a War
 " with *Spain*, would now make it the
 " Parliament's War; concluding, that
 " instead of an entire *Satisfaction*, they
 " ought to shew their entire *Dissatisfaction*
 " with a Conduct that was contrary
 " to the Laws of Nations and a Breach
 " of solemn Treaties." This Speech was the more remarkable, in that you yourself in the Year 1716, sign'd a defensive Alliance betwixt the King of *Britain* and the Emperor, of which the Action of *Messina* was the natural and foreseen Consequence.

sequence. Strange Fatality that the only Consistency which you ever observ'd in Conduct, should be in your Opposition to Measures which every honest Man, every wise Man always thought absolutely necessary for the Safety of this Nation.

Great Britain, Sir, has too good, and too afflicting a Reason to remember by what fatal Turn of Affairs it was that you again got to the Head of the Administration. The Alteration in the Ministry, Sir, was soon perceiv'd by an Alteration of Measures, for to the Amazement of the World a Treaty of Commerce was concluded *June 13th N. S. 1721*, of the Nature indeed of a definitive Treaty, but there is not one Article in the whole by which the Property, the Navigation, or the Commerce of *British* Subjects are render'd more secure than they were before, so that in effect that Treaty did nothing towards ascertaining the Navigation of *Great Britain*; it did nothing towards settling the great Point of Dispute betwixt us and *Spain*, and which even then we might have foreseen would be the principal Bone of Contention, *viz. The Point of no Search but in Port.* This, Sir, seems to have been artfully eluded by *Spain* in all the numerous Treaties, Conventions, Preliminaries, &c.

&c. that have been made for almost these twenty Years with that Crown. For this very good Reason, as it is well express'd in his Majesty's Declaration of War, because *it is a Consideration of the highest Importance to us and our Kingdom, and a Practice which must affect in its Consequence all other Princes and States of Europe possess'd of Settlements in the West-Indies, or whose Subjects carry on any Trade thither.*

Here, Sir, give me Leave to observe that no Circumstance can better shew the Genius of our Negotiator, or rather of those who directed them, than this Remark. That of all the Treaties concluded for these eighteen Years with the Court of Spain, not one of them has been in its own Nature, properly and strictly speaking, definitive. By the Treaty 1721, Article 5, it is declar'd, *That the other Pretensions* (which God knows were many and important, much more important than any settled by the Treaty) *that may be on both Sides between the two Crowns, concerning Matters whereof no Mention is made in the present Treaty, and which are not comprehended in the second Article hereof, shall be treated of at the approaching Congress of Cambray.* Thus, if we consider what the real Nature of a definitive Treaty

Treaty is, that it is the settling Points and Differences betwixt the two treating Powers that have not been settled before, there was not one Article in all this Treaty except the fifth, which is entirely in Favour of the *Spaniards*, that settled any thing which was not *virtually* settled before by the Words of preceding Treaties.

This Treaty therefore can be call'd no other but a Preliminary to the Congress of *Cambray*. In like Manner, the Articles sign'd at *Paris* of 1727, were *Preliminaries* to the Convention sign'd at the *Parado*, which Convention was a *Preliminary* to the Treaty of *Seville*; the Treaty of *Seville* was no better than a *Preliminary* to the Meeting of the *British* and *Spanish* Commissaries; their Transactions were the *Preliminaries* of a *Convention*, which was the *Preliminary* to the *Negotiation* of our *Plenipotentiaries*, which were the *Preliminaries* of a DECLARATION OF WAR.

In short, Sir, no Negotiation could possibly have been carry'd on betwixt us and *Spain* relating to the Commerce of the *West-Indies*, but what must have been in its own Nature a Preliminary, except a Negotiation wherein this Point of *no Search but in Port*, was clearly, expressly, and definitively, adjusted. Even the ascer-

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taining the Boundaries of our several Possessions in *America*, was a Consideration of but a distant Importance to us while this great Point remain'd unadjusted. Because without a free Navigation on the open Seas, the Extent, the very Preservation of our Possessions in *America*, are rather detrimental than advantageous to this Nation. But such, Sir, is the Genius of those who extend their Views no farther than to procure temporary Expedients to keep themselves in Power, that they never enter thoroughly into the real Merits of the Question till every Trick, every Shift is exhausted, then they are oblig'd to do it under the most shameful Circumstances.

This Truth was exemplarily verifi'd by the Conduct of the *Spaniards* subsequent to the Treaty which I have already consider'd. The remarkable Concession in that Treaty to restore to the Crown of *Spain* the Ships taken in 1718 by Sir *George Bing*, and the ineffectual loose Manner in which our Commerce was secur'd, gave the *Spaniards* but too good Grounds when the Rod was remov'd from their Heads, again to renew their Depredations. Accordingly during the five succeeding Years the *Spanish* Depredations rose to a great height.

height. For we find Mr. Stanhope, then the *British* Ambassador at *Madrid*, September 24, 1726, telling that Court in * a Memorial, that the Reasons that induc'd his *Britanic* Majesty to equip the several Fleets he had then put to Sea, were the notorious *Infractions* which the Spanish *Guarda Costas* have for a long Time made with Respect to the Commerce and Navigation of his Majesty's Subjects in the *West-Indies*, *Infractions* which have been openly complain'd of, without the least Assurance of Satisfaction or Reparation. And in his Letter to the Marquis de la Paz, dated the 25th of November following, we read these Words: *When, notwithstanding the frequent Representations I have made, they (the Court of Spain) have not thought fit to put an End to the Depredations and open Hostilities, which have been, for some Time almost daily committed in these Parts (the West-Indies) by the Spaniards; or to give the King the least Satisfaction for the Damages done to his Subjects in Violation of all Treaties; Damages so many and so great, that this Treatment from his Catholic Majesty would have sufficiently justify'd the King's taking the most vigorous Measures for Redress. By this true and impartial State of what has happen'd betwixt the two*

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Courts,

Courts, it will appear not only how much the King my Master has been injur'd, but how great his Moderation and Love of Peace has been, in forbearing to resent these notorious Infractions of Treaties, and the Hostilities committed against his Subjects.

Thus, we find how ineffectual all Stipulations were that did not strike effectually at the Root of the Differences betwixt us and Spain. They were so far from being of any Advantage to this Nation, that they occasion'd a prodigious Expence in fitting out Armaments in order to protect our Trade, and reduce the *Spaniards* to Reason. Armaments prov'd as ineffectual as Treaties. The *Spaniards* were sensible that they, who never durst venture to insist upon a Renunciation of their unjust Claims in full and express Terms, never durst venture to strike a bold Stroke to assert them. The Event justfy'd this Opinion. Our Armaments serv'd only to oppress our own Subjects, and nothing was done except sending a Squadron to the *West-Indies*, where great Numbers both of best Officers and Sailors died; as if you had been resolv'd to let the World see that *Great Britain* alone was to suffer by your Counsels, and that it was possible to make *Peace* more destructive to the Nation than the

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the most devouring *War*. And you appear'd so determin'd to finish the Destruction of your Country, that when it was in your Power to have render'd yourself popular, to have stopp'd the Mouths of your Enemies, and to have vindicated the Honour of the Nation, you neglected the Opportunity, and with an unparalled Insolence endanger'd the Affections of the People to your Master, by the wanton Abuse of a corrupted Influence you had obtain'd in a certain Assembly.

As the principal Design of these Pages, Sir, is candidly to examine whether in the present Posture of our Affairs we can go to War with as many Advantages, and with as much Honour as we might have done any Time during these eighteen Years past, I must take the Liberty to ask one short Question, *viz.* Why this Declaration of War was not made sooner? This must either proceed from not having sooner had the same Provocation that we have at present; from our Enemies being weaker now than they formerly were, or from our own Government being stronger.

To one, or all of these Causes, this Forbearance must have been owing, if it was owing to Reasons founded upon right Maxims of Government: A trading Na-
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tion is not to plunge herself into War upon every slight Provocation, and Injury done by the Subjects of another Nation. A hasty Expression of a Minister; or even an inconsiderate Step of a Court is not sufficient to justify an Administration in hazarding the Advantages their Subjects gain by the peaceable Pursuit of their Commerce. They are to endeavour to obtain Redress of the Injury, if done by private Subjects, either by the ordinary Course of Justice, or by Retalliation. If the Provocation has been given by a Minister, it is possible that a just Representation of the Matter to his Prince may bring him to a Sense of his Fault. If the Offence has proceeded from the general Conduct of the Court, the Grievance may be redress'd by laying a true State of the Case before the World; in which Case, mediating Powers are never wanting to make up the Difference.

But can you pretend, Sir, that the Injuries we have receiv'd from *Spain* have been owing to any of these Causes. No! The Subjects of *Spain* who have so basely injur'd those of *Great Britain*, tho' commonly detected, were always supported by that Court. The more infamous, the inore cruel their Treatment of our Sailors was, the greater was their Merit, and the stronger

stronger their Recommendation, with their Prince and their Government.

If they committed a Violence, or made a Seizure which could not be defended by the smallest Colour of Justice or Equity; and if at the same Time they had some private Job of their own to gain, the King of *Spain* perhaps dispatch'd a Cedula to the *West-Indies*, and order'd Restitution to be made by his Governors there. But there is not one Instance that these Orders were ever comply'd with, there being nothing more plain than that the *Spanish* Governors had positive Orders from their Court not to regard them.

This is evident from the Answer that Mr. *de la Quadra* made to the Remonstrances of our Ministers at that Court, where we see he alledges as an Excuse for his *Catholic* Majesty's Orders and his Cedulae for granting Restitution not being obey'd, *that the Reports of the Facts alledg'd as a Motive for obtaining those Orders, were not found so true as had been represented.* Thus the *Spanish* Court by one Act, made its Governors Judges of its own Proceedings, and by another Act, granted to the Subjects of *Britain* an Order, which, by the Law of Nations, they were to look upon as ir repealable and definitive, but
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was it seems subjected to be canvass'd and annull'd by its own Subjects to whom that Order was directed.

As a further Aggravation of this infamous Treatment, the Persons who in Consequence of this Power became Judges of the acts of that Crown, were the very Persons who had committed the Violence, and thereby were the Parties complain'd of. They were the Persons who must have suffer'd by the Execution of these Orders, and whose immediate Interest it was to defend the Violences complain'd of. From the Consideration of these undoubted and avow'd Facts, Sir, it is evident that in the ordinary Course of Justice, it was impossible for the injur'd Subjects of *Great Britain* to have obtain'd Redress for the many Injuries and Barbarities committed upon them by those of *Spain*.

I shall now take the Liberty to enquire whether, admitting that the Violences committed on the *British* Subjects by those of *Spain*, were committed without the Knowledge, or against the Approbation of that Court, it was possible for the latter to obtain Redress by Retaliation.

Satisfaction of this kind could be obtain'd no other way, than by our Governments granting Letters of Reprisal to such
Mer-

chants as should apply for them. But can you pretend, Sir, that these Letters were ever effectually granted, notwithstanding the express Words of Treaties to justify them. By the Treaty of 1670, *Letters of Reprisal, or any other Methods of the same Nature, may be us'd when Justice is either actually deny'd, or unreasonably delay'd.* By the 14th Article of the same Treaty, *every particular Person of the two Nations shall answer for what he has done, and be prosecuted for his Offences.* We have already seen, Sir, what the Event of such a Prosecution, if carry'd on by an *Englishman* against a *Spaniard*, must in all likelihood have been, if the Prosecution had been carry'd on before a *Spanish* Court: he could therefore have Redress no where but at home. But does it appear, Sir, that during all the Time betwixt the Conclusion of the Treaty 1721 and the last Siege of *Gibraltar*, that Letters of Reprisal were granted to our Merchants, who were subjected to daily Insults and Injuries from their Enemies.

That I may not conceal the least Circumstance that can be advanc'd in your Favour, I shall admit, that on the 21st of April 1727, his late Majesty sign'd *Draughts of Instructions to the Lords of the Admiralty*

Admiralty for granting Letters of Marque, which appears to have been in Consequence of an Order of Council dated the 28th of *March* preceding; but it is remarkable that this Order of the Council was kept up for upwards of three Weeks before the Instructions were sign'd, and the Instructions were not sign'd before Care was taken that the Nation should reap no Advantage from them, and that they should be rather prejudicial than otherwise to the Merchants. For we find that in the 20th of *May* following, the Preliminary Articles of a Pacification were sign'd at *Paris* by Mr. *Walpole*, by the Imperial, *French* and *Dutch* Ministers. And so fond was our Court to convince his *Catholic* Majesty of our favourable Dispositions to him, that Mr. *Walpole* very wisely, there being no *Spanish* Minister then at *Paris*, sign'd an obligatory Declaration to abide by what was stipulated in the Preliminaries. By this, the Hands of the Subjects of *Great Britain* were in effect ty'd up, when those of *Spain* were at Liberty to continue their Depredations and Ravages with Impunity.

If its true the Duke de *Bournonville*, his *Catholic* Majesty's Ambassador at *Vienno*, sign'd a Declaration of the same Nature

Nature at *Vieina*, there being no Ambafador there from our Court; but we find that this Declaration had no Weight with the *Spanish* Court, he not being, it seems, furnifh'd with proper Powers. So that a new Act for the Execution of the Preliminaries was fign'd at the *Pardo*, *March* 6. 1738.

From these Transactions, Sir, the following Facts may be fairly infer'd, *viz.* That you took no Care to make any Use of the Order of Council for Reprisals, till you was sure that it could be of none; the Negotiations having begun at *Paris*, and every Thing there being adjusted before, you suffer'd that Order to be publish'd in the *Gazette*; and that this could be done with no other View but to put the Merchants to the Expence of fitting out Ships, which several actually did, without any Effect; the intervening Time betwixt the signing the Draughts of the Instructions to the Lords of the Admiralty, and the signing the preliminary Articles being but thirty Days. That the preliminary Articles being transacted in the Manner they were, left his *Catholic* Majesty at Liberty to bring his Galleons safely to *Spain*, and oblig'd us to recal our Admiral, and the Squadron under his

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Command, to *Europe*, while the *Spaniards* look'd upon themselves as under no Engagements to discontinue their Hostilities and Depredations.

I have dwelt the longer upon the Transactions of this Period, Sir, because as it is more remote from the present Times, it may possibly be forgot by many, who must thereby be depriv'd of the Pleasure of having a full View of the Consistency of your Conduct.

Nothing can give us a better Notion of the Perfidy and Cunning with which the *Spaniards* have always treated us, than a View of the Conduct of that Court and Nation when the Treaty of *Seville* was in Agitation. That Treaty, as we have observ'd before, was, so far as the Stipulations in our Favour reach'd, but a Preliminary; but the Stipulations which it contain'd in Favour of *Spain* were full and definitive. However, as the favourite View of that Court entirely depended on the Execution of so much of the Treaty as was in their Favour, they were sensible that we might have a reasonable Pretence for not executing it on our Part, if they continu'd their Depredations and Violences in the same Manner as before: Accordingly we find, that during the Dependence of
that

that Treaty their Depredations were but few, if any. But after we had fulfilled our Engagements, and had assisted in setting a Branch of the House of *Bourbon* on a Throne and in a Kingdom, where it is in his Power to interrupt and ruin the Trade of *Britain* in the Mediterranean, their Violences broke out with fresh Fury, and every Stipulation of that Treaty in our Favour was eluded and postpon'd.

From what has been said above, Sir, I believe the common Excuse advanc'd by your Friends for the long Forbearance, viz. that the Provocation we had receiv'd was not sufficient to justify a Rupture, has been sufficiently expos'd. It is likewise plain, that the Provocation given was not from the Acts of a few private Subjects who had no Authority from the Crown of *Spain*, but that they were both authoriz'd and supported in every Insult and Injury they committed; and that the Orders they receiv'd from the Court on that Head, made it their Duty to break thro' every Tie of Justice and Humanity, whenever a Subject of this Nation came into their Power.

But there is, Sir, another very unaccountable Piece of Conduct in those who had the Management of our Affairs at
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the Court of *Spain*. We see by the 14th Article of the Treaty 1670; "that when
 " an Offence was committed by a private
 " Subject contrary to the Meaning of that
 " Treaty, that Subject might be prosecuted
 " and punish'd for the said Offence."

Now, Sir, it was natural to think that our Ministers would have at least demanded Justice of the Court of *Spain* upon the Persons of these Robbers, especially as their Persons were well known, and continu'd openly in the Service of that Crown or under its Protection. But I believe it will not be pretended, that so much as one single Memorial was ever presented from our Court upon that Subject. If there was not, how is it possible for our Merchants to receive Satisfaction, even tho' the Court of *Spain* had been willing to grant it? It was our Business to find out the Offenders, it was our Business to prosecute them, and thereby to have forc'd the Court of *Spain* either to punish them with exemplary Justice, or to tell us and the whole World that they maintained a Crew of Pyrates in their Pay and under their Protection.

Even the Rights of Self-preservation seem to have been deny'd to the unhappy Sufferers, since we find that a Sea-Officer

was

was broke for barely doing his Duty under the most aggravating Circumstances of Provocation. He was indeed afterwards advanc'd and employ'd, but not till after we, at the Instance of an insolent Neighbour, had submitted to break him.

This Conduct was the more inexcusable, as we live under a Prince who has given the most evident Proofs of his being both willing and ready to vindicate the Honour of his Crown and the Rights of his Subjects; and as the Legislature in both Houses came to Resolutions, which had they been acted up to, must have fixed our Navigation and Property in *America* beyond the Power of its Enemies to disturb or invade them. The other great Counsels of the Nation appear to have been possess'd with the same noble Principles: Every Sentence, and every Sentiment of the late Declaration of War are entirely consistent with the Speeches, the Writings, and the Opinions of those who are Friends to their Country, and consequently no Friends to you.

You Sir, in the Face of an august Assembly, was pleas'd to become answerable for the Event of all our late Negotiations with *Spain*. This Declaration plainly intimated that you was the Prompter,

ter, the Adviser, and the Manager of every Step that has been taken with that Court. The well-known Influence that you have in public Affairs left no Room to doubt of that, even tho' you had not declar'd it. At the same Time, it was a Declaration of the utmost Insolence, for it plainly suggested that every other Counsellor and Minister of the Kingdom, was no better than a Cypher.

Now, Sir, by this Declaration, you become answerable for the vast Expences the Nation was at in the strong naval Armaments that were fitted out 15 Months before the Declaration of War, and which hitherto have continu'd useless, unactive, and ineffectual, but immensely chargeable to the Nation. You become unanswerable for the Defeat of a Bill which must have been attended with the best Consequences to this Kingdom, by suspending the chargeable Prize Offices to which the Captors of a Ship are accountable, and vesting the Property of the *Capture* in the Persons of the *Captors*. You are become answerable for the many Depredations and Violences committed on the *British* Subjects, and for the Wounds which the Honour of the Nation has receiv'd since that Time. You become answerable for the
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many Indignities done to the Crown, I will not say by the making, but by the Breach of, the infamous Convention. In short, Sir, you become answerable for all the Disadvantages that attend our declaring War now, and which might have been avoided had it been declar'd sooner.

The next Reason, Sir, which I mention'd might be given for our not going to War sooner, was our Enemies being stronger, or ourselves weaker than either of us now are. But how, Sir, does that appear to be the Case? *Spain*, by a double Alliance with *France* has acquir'd an Accession of Power, which had we attacked her when we ought to have done, she might not have got. *France*, on the other Hand, had we supported the Emperor, would not have been in so good a Condition to have assisted *Spain*, even tho' her Inclinations had led her to do it. And how have you manag'd? You suffer'd *France* and *Spain* to unite themselves more closely together than ever; you suffer'd the Emperor to be reduc'd to the Necessity of making a Peace with *France* on her Terms; and you trifled away the Time in Negotiations, while he was reduc'd to such a Condition as to be incapable, were his Inclinations never so strong, to give us
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the least Assistance. You suffer'd the same powerful Neighbour to renew her Alliances with *Sweden*, which, it was of the utmost Consequence for us to prevent. You suffer'd the *French* Counsels to get such an Ascendant in *Holland*, that notwithstanding the Ability of the great Negotiator, it is evident they have not consider'd our Differences with *Spain*, as affecting themselves, which they must have done, had it not been for some egregious Blander on your Part. In short, you have suffer'd *Spain* to bring them over to her Measures, since it does not appear that they are at all dispos'd to break with her. Such, Sir, are the Opportunities we have slipt, and such the Disadvantages we have incurr'd by negotiating so long and so ineffectually.

Let us now consider if we ourselves are at present in a better Condition at home than we were in some Years, or even some Months, ago. There is nothing more evident than that the Life of this Country is its Trade. But how well, Sir, has this Maxim been understood by you? When you took it upon yourself to be answerable for the Event of our Conduct towards *Spain*, you became answerable for the Effect which that Conduct was to have upon the
Trade

Trade of the Nation. But was the Interest of our Trade consider'd when you was reduc'd to the Necessity, for I dare not say you did it out of Wantonness or Revenge, of procuring a ruinous Embargo to be laid upon our Shipping, by which the Commerce of the Nation suffer'd more than it could have done during the Continuance of a War for Years.

It is not my Business, Sir, to enquire whether or not your Councils had any Influence in granting the late Letters of Repisal, but you are answerable for the Mis-carriage of one Measure, which had it taken effect, must have render'd that Method of obtaining Satisfaction, much more advantageous to the Nation. It is the Defeat of the Bill I have already mention'd, which had it taken effect must have given Spirit to our Sailors, and encourag'd the Merchants to venture their Stocks in fitting out Ships, since they had so fair a Prospect of being reimburs'd at the Enemy's Expence.

It would appear that Queen *Anne's* Ministry, when they came to act in earnest against *France* and the *French* Interest in *Spain*, thought that general Letters of Repisals was but a very ineffectual, if not a ruinous Step, without passing a Bill at

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the same Time *for the better securing the Trade of this Kingdom by Cruisers and Convoys*; by which the Officers and Seamen were to have the sole Property in any Capture which should be made belonging to the Enemy. At the same Time, a Reward of 5*l.* was allotted to every Man aboard a *British* Ship, which had engag'd or taken a Ship belonging to the Enemy. And as if this Law had not been sufficient for the Encouragement of our Sailors, another Law was pass'd, *an Act for encouraging our Trade to America*, by which Act all Prize Officers were absolutely suppress'd, because, as it is contain'd in the Bosom of the Act, *they were expensive and inconvenient* to the Subjects.

Thus, Sir, we see, the Legislature was of Opinion, that without such an Act nothing effectual could be done in the way of Reprisals. Therefore when an immediate Rupture with *Spain* seem'd unavoidable, a Bill which contain'd the most material Clauses in both these Acts, was brought into Parliament.

You, Sir, may remember the Part you acted, the Speeches you made, and the Assurances you gave when that Bill was thrown out; and as no Measure of that kind has been follow'd, how could it possibly

sibly be imagin'd, that granting Letters of Reprisal was a proper Method of commanding Redress from *Spain*, since both the Acts which I have already mention'd determin'd at the Peace of *Utrecht*. This was not the only good Effect which the passing such a Bill must have had. There was another Clause in it, *impowering his Majesty to grant Commissions and Charters to any Persons or Societies for taking any Ships, Goods, Harbours, Lands, or Fortifications belonging to the Spaniards, and for their enjoying and holding the same as their own Property and Estate for ever.* Who does not see, Sir, that if a Bill containing this Clause had pass'd into a Law, that the *Spaniards* might by this Time have been reduc'd to accept of any Terms we had a Mind to impose, and that we might have given Laws to every Power in *Europe*, since we might have had so valuable a Pledge in our Hand as the Property of some Part of the *Spanish* Dominions in *America*.

This, Sir, brings me to consider a Point of very great Importance to *Great Britain* in the future Prosecution of this War.

In all our Treaties of Commerce which have been concluded for many Years past, the Preservation of the *Spanish West-Indies* entire

entire to the Crown of Spain, has been look'd upon as a fundamental Article. By the eighth Article of the Treaty of Commerce at *Utretcht* betwixt Spain and us, it is stipulated, *That neither the Catholic King, nor any of his Heirs or Successors whatsoever, shall sell, yeild, pawn, transfer, or by any Means, or under any Name alienate from them and the Crown of Spain to the French, or to any other Nation whatsoever, any Lands, Dominions, or Territories, or any Part thereof belonging to Spain in America. On the contrary, that the Spanish Dominions in the West-Indies may be preserv'd whole and entire, the Queen of Great Britain agrees that she will endeavour and give Assistance to the Spaniards, that the ancient Limits of their Dominions in the West-Indies may be restor'd and settled as they stood in the Time of the abovesaid Catholic King Charles II.*

The above Article receives a strong Confirmation by the first separate Article of the Treaty,

It is further agreed by this seperate Article which shall be of the same Force, as if it was inserted Word for Word, in the Treaty this Day concluded betwixt their Royal Majesties, that since his Royal Catholick Majesty is stedfastly resolv'd, and does solemnly

lemnly promise by these Presents, that he will not consent to any farther Alienation of Countries, Provinces, or Lands of whatever sort, or wherever situated belonging to the Crown of Spain, her Royal Majesty of Great Britain does likewise reciprocally promise, that she will persist in those Measures and Councils by which she has provided and taken Care that none of the Parties in War shall acquire or obtain of his Catholic Majesty, that any further Part of the Spanish Monarchy be torn from it; but that any new Demand of that kind being made, and the same refus'd by his Catholic Majesty, her Royal Majesty of Great Britain will use her Endeavours that such Demands be receded from.

The Consideration that naturally arises from reading these Articles is, how far we can, without violating Treaties, and incurring the Jealousy, if not the Resentment of the other Powers of Europe, attack or dismember from the Crown of Spain any Part of its Dominions.

Here I shall readily grant that the contracting Powers at the Treaty of Utrecht look'd upon it as a capital Point, that the Spanish Monarchy should remain entire and undismember'd, for this obvious Reason, that if the Riches of their Indies should

should fall into the Hands of a more industrious People; that People might in a short Time be in a Condition to give Laws to the rest of *Europe*. But what was our View in agreeing to the above Stipulations? Doubtless to preserve an equal Ballance of the Trade; for the Alienation of the Lands, Territories, &c. was so expressly provided against, only because it was to be presum'd, that whoever was in Possession of the Dominions could command the Trade: But if the *Spaniards* have, without making any such Alienation, fallen upon a Method, in concert with other Powers, to break that Ballance, so as that one Power shall be stripp'd and interrupted in her Trade to her own Settlements in these Parts, while the others enjoy theirs in its full Extent, tho' the Claim by which the Trade of the former is ruin'd, equally affects the Interest of the latter; I say when this shall appear to be the Case, there is not the least Doubt but that the People so injur'd are to look upon themselves as no longer under any Obligations to observe these Stipulations, since the Intention with which they were made is so evidently frustrated.

Now there is not the least Shadow of a Claim which the *Spaniards* can make
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to a Right of searching our Ships, that does not equally affect the *French*, the *Dutch*, the *Danes*, and every People who have a Property in *America*, therefore, they have the same Reason, tho' not equal Provocation, that we have to oblige the *Spaniards* to recede from their Claim. Our Property in the *West-Indies* is perhaps larger than that of any other Nation except *Spain*. This very probably is the Reason why our Neighbours are not at all displeas'd to see it invaded. But as our Court has never yet given them any Grounds of Jealousy, or any Reason to suspect that we intend to wrest either from them or the *Spaniards* any Part either of their Trade or their Territories, if they connive at any such Invasion on the Part of *Spain*, we are upon all the Principles of Common Sense to look upon our Interest as detach'd from theirs, since they have so long look'd upon their Interest as being detach'd from ours.

From the same Consideration, and upon the same Principles, we are at Liberty to secure our own Interest in the best Manner we can; we are at Liberty to invade and to distress *Spain* in any Shape or in any Quarter, so as the End of obtaining Satisfaction for our past Injuries and Security
against

against all future Encroachments, may be most effectually answer'd. If on that Account it is necessary to attack any Part of the *Spanish* Dominions in *America*; tho' it were the *Havanna* itself, it never can be interpreted as a Breach of our Treaties, or of the Law of Nations, since we do it in Consequence of that Principle which takes Place of, and supersedes all other Engagements, I mean the Principle of Self-preservation.

But would it not be impossible in us to draw upon ourselves perhaps the Resentment of the other Powers concern'd, should we seize that Fountain from whence the Treasure of the *Indies* is dissipated all over *Europe*? Would not the *French* in that Case think themselves oblig'd to act in a more vigorous Manner? The *French*, who are now more powerful than when they were upon the Point of swallowing up the Liberties of *Europe*! Would not the *Dutch*, our ancient and faithful Allies, whose Welfare like our own depends upon Trade, think themselves highly interested in the Consequences of such a Step, and declare against us. Would not even the Emperor, tho' less affected by his Conduct than either of the other Powers, be afraid of the Consequences

ces with Regard to his own Dominions, especially in the Netherlands? And shall we venture on a Stroke by which we pass the *Rubicon*, and render all *Europe* our irreconcilable Enemies, or at best cold, distrustful Allies?

These Questions admit of a very ready and a very plain Answer. There is no doubt but that both the *French* and the *Dutch* would much rather chuse that the *Spanish West-Indies* and every Foot of them should be in Possession of *Spain* than of *Britain*. But we are to consider, that the Effects of their Resentment, and of whatsoever Part they should act in Case we were to attack or seize them, can be no worse for us than the Part they act at present. We have for some Time past, tho' we have not properly been in a State of War, been at as much Expences as if we had. We have maintain'd a naval Force capable to beat the united Force of all *Europe*. We have kept up a Standing-Army able to disappoint, able to repel any Invasion. In what Manner then can they shew their Resentment? Will they attack us at Sea? They are in no Condition to do that. Will they invade us by Land? That Project is too ridiculous and too romantic, to enter into the Heads of a sensible

ble People. Will they ruin and interrupt our Trade? I am afraid they do that at present in a more effectual Manner than it could be in their Power to do, were they our declar'd Enemies.

If Advantages in Point of Commerce, which one People gains over another, are gain'd during the Time of War, they are easily regain'd by Treaty. But when these Advantages are gain'd by an *affected Neutrality*, it is found almost impracticable to bring the Trade of the losing Nation to its former Channel. This is verifi'd in many Instances; and it is to be wish'd that the Method in which we have already proceeded, has not given those Powers who have always rival'd us in Trade, Advantages in that Respect which we will find difficult to regain.

I have insensibly, Sir, been drawn in by the Importance of the Subject, to leave but little Room for any Remarks upon the Declaration of War against *Spain*. But I have the Satisfaction of seeing every Sentence in it confirm the Facts I have already stated.

The Introduction shews that the Depredations of *Spain* have continu'd for several Years; and that they are contrary not only to the Treaties betwixt the two
Crowns

Crowns, but to *the Law of Nations*. This speaks plain and home; but I fancy, Sir, you can remember a Time, even after sixteen or eighteen Years Continuance of these Depredations, when it was thought necessary to use so much Delicacy with that Court, that it was found improper to mention it in public, and to let all the World know that the Stopping and Searching *British* Ships sailing from one Part of his Majesty's Dominions to another, was against the *Law of Nations*.

If a private Man is wrong'd in his Property, it may be very often convenient for him to use a Delicacy on that Head, and it may be perhaps the most ready Way to obtain Reparation; but when he is wounded in his Honour, for Instance, if he should be pull'd by the Nose, would not the World think him a very scandalous Coward if he should tell the Aggressor, Sir, *you have indeed put me to some little Pain, but there is no Offence, I dare say you did but joke.* The Pusillanimity of a Ministry, Sir, is of worse Consequence to a Nation than that of a private Man can be of to himself or his Family. For if another takes the Advantage, from this Man's want of Courage, to wrong or affront him, he can have Recourse to Law, which

which if it does not repair the Breaches of his Honour, repairs at least those of his Interest; but the Consequence of Ministerial Pusillanimity are irreparable any otherways than by National Courage, because if, by it, the Interest and Honour of the Nation suffers, they can have Recourse to no Court of Justice, they can appeal to no Power for Redress: For the last Arguments of Nations are Arms; but what avail such Arguments, if their Enemies are sure they dare not use them? And how shall a Nation, be it ever so brave, assert its own Honour, if they, who advise the Sovereign and Influence his Councils, are afraid to suffer them.

The Declaration proceeds to take Notice, Sir, that these Seizures and Depredations *have been principally occasion'd by an unwarrantable Claim, and Pretension set up on the Part of Spain that the Guarda Costas, and other Ships authoriz'd by the King of Spain, may stop, detain, and search the Ships and Vessels of British Subjects navigating in the American Seas contrary to the Liberty of Navigation, to which our Subjects have not only an equal Right with these of the King of Spain by the Laws of Nation, but which is more-over expressly acknowledg'd and declar'd to belong*

belong to them by the most solemn Treaties, and particularly by that concluded in the Year 1670.

There are two very remarkable Observations arising from this Passage; the one relating to the Writings on the Side of the Ministry, the other to our Negotiations with Spain.

It is plain that the Declaration lays it down as an establish'd Truth, that the Ships of *British* Subjects have just as good a Right to navigate in the *American* Seas as the Ships of *Spain* herself; and that the Claim of a Right to search, destroys the Liberty of Navigation. But did you and your Advocates, Sir, talk and write in this Manner, when the infamous Convention was in Agitation? Did you not tell the World, at a vast Expence of your own Lungs and of the Nation's Money, there was nothing more unjust than that we should insist to be exempted from all Search; and that there was nothing more reasonable than that the *Spaniards* should have a Right to protect their own Commerce by searching our Vessels? Did you not insist that the *Spaniards* have suffer'd immensely on that Account, from our Merchants, whom you were pleas'd to treat as a Parcel of Robbers and Pyrates?

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Did you not put the *American Trade*, where all Intercourse of one Nation with another is prohibited, on the same Foot with the *European Trade*, where an Intercourse is allow'd of, with the Prohibition of certain Commodities? Give me Leave further to appeal to the World, if this was not pleading the Cause of *Spain* and vindicating her Depredations? Or if any thing can be more inconsistent than those Arguments and this Declaration?

The other Observation, Sir, is of more Consequence, and has been attended, I am afraid, with worse Effects.

It is plain that the Declaration founds our positive Right to an uninterrupted Exercise of Navigation on the *American Seas* upon the Treaty 1670, commonly call'd the *American Treaty*;

Consequently this Treaty is of more Importance to the *American Navigation* than any other, therefore ought to have been principally regarded in all our Treaties with *Spain*. But so far has it been disregarded, that we don't find it mention'd in either of the two principal Treaties that have been concluded betwixt us and *Spain* for these eighteen Years. The second Article of the Treaty 1721 imports; 'That the Treaties of Peace and Commerce
'con-

‘ concluded at *Utrecht* the 13th Day of
 ‘ *July* and the 9th of *December* in the Year
 ‘ 1713, wherein are comprehended the
 ‘ Treaty made at *Madrid*, and the *Cedulas*
 ‘ therein mention’d shall remain confirm’d
 ‘ and ratify’d.

This affected Silence is very suspicious when we consider that it is in a Treaty, the principal Intention of which was to regulate the Misunderstandings betwixt the Crowns of *Britain* and *Spain*, and which enters so minutely into a Detail of other Articles contain’d in former Treaties, relating to the *American* Trade and Navigation.

But this Omission is much more remarkable in the Treaty of *Seville*. The first seperate Article of that Treaty imports; ‘ That altho’ conformable to the preliminary Articles, it is said in the 4th Article of the Treaty sign’d this Day, that ‘ the Commerce of the *English* Nation in ‘ *America* should be establish’d on the Foot ‘ of the Treaties and Conventions antecedent to the Year 1725; however, for the ‘ greater Exactness, it is further declar’d, by ‘ the present Articles between their *Britannic* and *Catholic* Majesties, which shall ‘ have the same Force, and be under the ‘ same Guaranty as the Treaty sign’d this
 ‘ Day,

' Day; that under the general Denomina-
 ' tion are comprehended the Treaties of
 ' Peace and of Commerce, concluded at
 ' *Utrecht* the 13th, of *July* and 9th of *De-*
 ' *cember*, in the Year 1713, in which are
 ' compriz'd the Treaty of 1667 made at
 ' *Madrid*, and the Cedula therein contain'd.
 ' The latter Treaty made at *Madrid* the
 ' 14th of *December* 1715, as also the parti-
 ' cular Contract, commonly call'd the Affi-
 ' ento, for bringing Negroe Slaves into the
 ' *Spanish Indies*, which was made the 26th
 ' Day of *March* in the said Year 1713, in
 ' Consequence of the 12th Article of the
 ' Treaty of *Utrecht*.

Now, Sir, as no particular Mention is
 made in the Preliminaries of the Treaty
 of 1670, it is very surprizing, that since
 the Negotiators had a Mind to be so very
exact, the Treaty 1670 was not as particu-
 larly mention'd on this Occasion as the
 Treaty 1667. But as no such Mention is
 made, and so much *Exactness* is pretended,
 this Omission carries with it a very shrewd
 Suspicion that the *Spaniards* impos'd upon
 our Negotiators, and inserted that Ex-
 pression with a View to exclude us from
 pleading the Stipulations contain'd in the
 Treaty 1670 in our Favour. But, what
 makes this Omission the more remarkable
 is,

is, that the Treaty 1673, as well as that of 1667, is confirm'd by the Treaty of *Utrecht*. It is true, that after the Parliament had found that the Treaty 1670 was the Foundation of the just and undoubted Rights and Privileges of our Navigation in *America*, the Mention of it was inserted in the Convention amongst the other Treaties therein submitted to the Examination of our and the *Spanish* Plenipotentiaries; but this very Insertion confirms the Suspicions on that Head, because it implys that there is something in it that is doubtful, which we ought by no Means to have admitted of.

The rest of the Declaration, Sir, is a very fair and an ample Detail of the many Grounds of Complaint which the Crown and Subjects of *Great Britain* have against *Spain*. But to whose Councils was this long Forbearance, which produc'd all these mischievous Consequences, owing? To whom was it owing that the Convention was concluded? To whom was it owing that it was broken? The first was owing to your Fear, that if something was not done before the Parliament sat down, the Nation and its Representatives might be uneasy; for which Reason you was determin'd to have Terms of some kind or

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other,

other, be they never so bad, from *Spain*, to keep you in Countenance, and then you was sure of having a Majority in a certain Place to approve them. Yet lest even that Majority should be startled at the shameful Concessions we had made in Favour of *Spain*, you took Care that the appointed Time for the opening of the Sessions should be put off for a Fortnight, to gain Time for the exchanging the Ratifications before its opening. By this, you made it as irrevocable as it was possible to be without the Approbation of the Parliament, and put them upon the ungrateful Dilemma of either approving a Measure evidently ruinous to their Country, or disapproving an Act that had receiv'd a royal Sanction.

The Declaration takes Notice, ' That the
' Convention was concluded in order to
' prevent for the future all the Grievances
' and Causes of Complaint therein taken
' Notice of, and to remove absolutely and
' for ever, every thing which might give
' Occasion thereto: ' How strongly is this
express'd, and how different from a *Convention* that was appointed to *regulate the Grievances*, as if a Conveniency had attended their subsisting, and as if the Subjects of *Britain* were to suffer the most ignominious
and

and cruel Treatment, provided they suffer'd according to the Rules and Regulations laid down by our worthy Plenipotentiaries.

But this Convention, bad as it was for us, and advantagious for *Spain*, was broken by them in a most scandalous Manner. To what was this owing, Sir, if not to the Ferment that was rais'd in the Nation by that scandalous Measure which made the *Spanish* Court imagine that the Inclinations of the People and those of the Government were different? From a long Course of Experience, they found that the Government was averse to go to War; and they knew, That when that was the Case, the Inclinations of the collective Body of the People avail'd but little; That they might indeed produce Effects at home, fatal to this Nation, but that they never could have any Influence abroad while you continu'd at the Helm.

But Thanks to Heaven they mistook a *Faction in the Government* for the *Government* itself; that they did so, the Declaration of War we are now considering is an evident Proof, especially if the War is prosecuted with the same Vigour with which it is begun; and if they who have occasion'd so long, so shameful, and so ruinous

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an Inactivity, are call'd to a severe Account. This is the only Means of satisfying the Nation, and the surest Method of reconciling the *Measures* of his Majesty's Government to the *Affections* of his *People*.

The Declaration sets forth, “ That the
“ Treaties subsisting betwixt the two
“ Crowns have been manifestly violated,
“ eluded, and evaded by the unwarrant-
“ able Behaviour of the Court of *Spain*.” How different, Sir, is this from the Language of you and your Party not long ago, when you pretended that the Crown of *Spain* had not, as yet, openly violated her Treaties and Engagements with us, therefore it would be unjust and impolitic in us to declare War against it. For this Reason, it seems we did not, on our Parts, express the least Degree of public Resentment till every Act of Negotiation was exhausted, and every Measure of Submission rejected.

But, Sir, the *future* Success of this War, let it be ever so great, cannot be pleaded as any Excuse for the *Weakness* and *Inconsistency* of *past* Measures. The greater the Success is, the more heavy must the Charge be, against those by whose Councils the Satisfaction, arising from a national Resentment, has been so long delay'd;

lay'd; besides all this, the Loss of national Honour sustain'd after the Obstinacy of *Spain* made that Resentment necessary, swells the Charge.

I have very little more to trouble you with, Sir, than to remark that after the Letters of Reprisal were granted, some of the Disaffected pretend to find Inconsistencies in the Management of our Fleets abroad, which makes them suspect that the Direction still continu'd under your Influence. The Escape of the *Assogue* Ships contributed not a little to this Suspicion; and the King of *Spain's* Manifesto, with his Reasons for not paying the 95000*l.* being publish'd here, confirm'd it; because, in them, the Reasons which you and your Writers advanc'd for our long Forbearance in Favour of *Spain*, were comprehended and retailed: We there find Complaints against the People; Arguments founded on wrested Constructions of Treaties, and the grossest Misrepresentation of Facts, serving to excuse the most infamous Behaviour that ever the Sun beheld.

But as *Ignorance* and *Inconsistency* go always Hand in Hand, the same Party observ'd, that the granting *Letters of Marque and Reprisal* did not imply our being
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in a State of declar'd War with *Spain*. This Measure, said they, was founded on that Article of the Treaty 1670, by which, in *Case of an unreasonable Delay or an actual Denial of Justice, Reprisals might be granted*. But they observ'd that neither that Article, nor the Nature of the Letters of Reprisal themselves, could warrant our Proceeding against *Spain* in any other Manner than by taking their Ships and distressing them at Sea. Far less could it authorize our Proceeding against other Nations in a hostile Manner; yet they observ'd that if the common Accounts which we have in the News Papers are true, we have wantonly and foolishly provok'd the *Dutch* and the *French*, by stopping, searching, and detaining their Ships for counterband Goods, when it is evident, from all the Treaties that ever were concluded between us and *Spain*, or any other Nation in *Europe*, that no such Goods can exist but in a State of declar'd War.

Now, if at the Time of our stopping and searching these Ships we were in a State of declar'd War with *Spain*, and if our not having proclaim'd Peace since the last Proclamation of War against that Nation, sufficiently imply'd our being still in a State of War, where was the Necessity
of

of this Declaration which we are now considering? If, on the other Hand, this Declaration was necessary, and if, till it was made, we were in no declar'd War, they cannot find where the Justice lay of stopping, searching, and detaining Ships for Reasons that could have no Existence till War was declar'd? If your Scriblers receive proper Instructions from you to clear up this Point to the Satisfaction of the World, it might do you a good deal of Service with those who are willing to be your Friends, could they do it with the least Colour of Justice.

I am sensible, Sir, that the foregoing Considerations will be blam'd by the Prostitutes of your Party, as if it found Fault with the present Measures; but whoever considers them attentively, will find that the Case is quite otherways. The Author is far from finding Fault with the present Measures so far as they regard the Declaration of War; he has only taken the Liberty to take a View of the Consistency of your Conduct, and to observe how agreeable that has been to the Sentiments contain'd in this Declaration, and likewise to consider how far it has contributed to these Grievances and Abuses committed on the Part of *Spain*; which Consideration leads

leads us to an easy Solution of the Question
I propos'd, viz. Whether we do not enter
at present into War under more Disadvan-
tages than we could have done any Time
for these eighteen Years past?

I am, Sir,

Yours, &c.

F A N I S



leads